



# Chickaloon Village

*Traditional Council*  
(Nay'dini'aa Na')

April 25, 2012

Gary Harrison,  
*Traditional Chief*

Doug Wade,  
*Chairman/Elder*

Rick Harrison,  
*Vice-Chairman*

Penny Westing,  
*Secretary*

Albert Harrison,  
*Treasurer/Elder*

Jess Lanman,  
*Elder Member*

Burt Shaginoff,  
*Elder Member*

Larry Wade,  
*Elder Member*

Shawna Larson,  
*Member*

Jennifer Harrison,  
*Executive Director*

Secretary Kenneth Salazar  
Department of the Interior  
Attn: Alaska Consultation Policy,  
Office of the Secretary, 1849 C Street NW.  
Washington, DC 20240;  
Email: [consultation@doi.gov](mailto:consultation@doi.gov)

*VIA: Email and US Mail*

**RE: Consultation Rules regarding Draft Department of the Interior Policy on  
Consultation with Alaska Native Claims Settlement Act ("ANCSA") Corporations**

Dear Secretary Salazar,

The Chickaloon Village Traditional Council ("CVTC"), the governing body of the federally-recognized Chickaloon Native Village ("CNV"), respectfully submits the following comments *in opposition* to the proposed rule, and respectfully requests the Secretary reject the rule entirely. As written the rule substantially interferes with CNV's (and other Tribes') government to government relationship with the United States, upsets the Trust responsibility of United States towards CNV, and is inconsistent with President Clinton's Executive Order 13175 (2000) on Tribal consultation and President Obama's Tribal Consultation Memorandum of 2009. Foremost in our view, the Draft Policy would violate our human rights guaranteed under the UN Declaration on the Rights of Indigenous Peoples (the "Declaration").

CNV's traditional territory includes the entire Matanuska River watershed in south-central Alaska, and CVTC's Tribal headquarters are located in Sutton, Alaska. CVTC is one of the largest employers in the Matanuska watershed of the Matanuska-Susitna Borough, and it's service area is approximately 3708 square miles and CVTC provides services for approximately 3316 Alaska Native and Native American individuals.

Although CVTC's traditional lands are rich in natural beauty, resources and biodiversity, through the Alaska Native Claims Settlement Act (ANCSA) the United States and its political subdivisions, the State of Alaska and its political and administrative subdivisions, including the Alaska Department of Natural Resources (DNR), the Alaska Department of Environmental Conservation (DEC), the Alaska Mental Health Trust, (AMHT), and the Matanuska Susitna Borough (Mat-Su Borough), all actively deny CVTC jurisdiction, control and even meaningful consideration in decision-making processes concerning our traditional lands and waters. The United States and Alaska actively and consistently violate our basic and fundamental human rights including health and welfare rights, water rights, subsistence rights, and the fundamental right of self-determination over our traditional territory and resources. These violations are compounded by a Federal consultation policy—inconsistent at best, destructive at its worst—that denies us the right to

Free Prior and Informed Consent, or even meaningful consultation or consideration of our interests and concerns.

The United States has a long history of expropriating our lands and waters without our consent. Long before statehood, the United States wrongfully confiscated and redistributed our lands, waters and resources to mining companies, resource developers and individuals, a colonial policy and reality that has divided our people, and caused deep and grievous mental, physical and spiritual intergenerational trauma. Our territory includes vast coalfields that the United States Navy exploited and encouraged exploitation in order to support the Pacific fleet in World War I. Most of the monetary wealth and resources generated from our lands flowed away from Alaska, improving the lives of the wealthy company owners, while impoverishing our people and destroying our lands and waters. Coal reserves were expropriated without our consent and to this date, no compensation has ever been made to CNV, and no apology for the damage has ever been issued. With coal came miners, who brought disease, alcohol, and destruction of our natural environment and way of life. Coal miners used dynamite to catch salmon in our streams and drove off and wiped out our caribou and moose. Mining destroyed our critical salmon streams with dykes and river straightening that eventually caused impassible waterfalls and cut off salmon from their spawning and rearing habitats. Additionally, coal mining left our waters polluted and our sacred places scarred and un-reclaimed. Much coal mining in the Matanuska Watershed ended when Congress ordered the Navy to upgrade its ships to burn oil and when the Anchorage military bases switched from coal-fired heat to oil heat.

Once coal development was shuttled, CVTC intensively focused on rehabilitating Moose Creek and other Matanuska Watershed streams damaged by coal related activities. In collaboration with the US Fish and Wildlife Service, other federal agencies and private industry, CVTC restored fish passage on Moose Creek, removing impassable waterfalls created by the railroad and miners creek straightening, and successfully reintroduced salmon to their natural and historic spawning habitats. Despite these efforts and incredible success, coal mining has returned to our lands, and threatens our waters, our land, and our way of life, all over again.

Coal developments at Wishbone Hill adjacent to Moose Creek and Eska Creek respectively, by Usibelli Coal Mine, Inc. ("UCM") and by Ranger Alaska (an Australian mining company) now threaten the years of work and investment in salmon habitat and population restoration. Additionally, Alaska Mental Health Trust lands (also expropriated without our consent, prior to ANCSA), in the heart of our most sacred areas near our former village of Chickaloon are being pursued for strip coal mining by another Australian mining company, Riversdale Alaska, again without our consent or consultation.

Despite strong federal interests, most importantly the federal Trust duty and responsibility to protect CNV interests, and the health and welfare of CNV tribal citizens, DOI agencies have mostly failed to exercise any due care toward Tribal interests in Alaska, leaving CNV at the mercy of the State of Alaska and its aggressive anti-Tribal agenda.

The consultation requirements of Executive order 13175 have been ignored and made meaningless by the lack of respect for the Tribal right of Free Prior and Informed Consent. Now, the already weakened government-to-government relationship between Alaska Tribes and the Federal government could be further eroded by allowing ANCSA corporations to enjoy consultation rights which belong *only* to Tribes, not state-chartered corporations.

**1. ANCSA Represents an Ongoing and Systemic violation of CNV's Human Rights**

Although ANCSA has made a few Alaska Natives wealthy, for most Alaska Tribes, and for CNV in particular, ANCSA has empowered the State of Alaska to destroy our way of life and violate our fundamental human rights. Through ANCSA the United States claims to unilaterally abrogate Alaska Native aboriginal rights to land, and subsistence hunting and fishing rights. As designed by Congress, and as interpreted by the United States' Supreme Court in *Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998), it is impossible to reconcile ANCSA with United States' obligation to respect and protect CNV's fundamental human rights, especially those recognized under the UN Declaration. The sacred Trust responsibility to protect our rights and interests from attack by the United States' political and administrative subdivisions cannot be reconciled with ANCSA, nor can it be reconciled with this policy extending consultation rights to ANCSA corporations. DOI must recognize that protecting our rights under UN Declaration requires more.

Chief among these rights is the right of Self Determination (article 3), including the right to autonomy (article 4) as well as the right to participate in decision-making in matters which would affect our rights, through representatives chosen by ourselves in accordance with our own procedures (articles 3 and 8). ANCSA in particular and the State of Alaska in general, obliterate these rights in words, actions and effect. United States public policy, strictly observed, is to deny any effective governance by Chickaloon Native Village of our lands, territories and resources, and highly destructive open pit coal mining, legal or illegal, is permitted with impunity, over the strenuous objection of the owners and keepers of all that sustains life on our ancestral lands, all that is Sacred.

The right of Free, Prior and Informed Consent found in four articles of the Declaration, particularly article 32, paragraph 2: "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of their mineral, water or other resources." (emphasis supplied) There is no doubt that Chickaloon Native Village is denied this right with regularity by the United States and its subdivisions, and as discussed below, if DOI implements this policy and begins consulting with ANCSA corporations, CNV's right to consultation could be weakened to the point of meaninglessness.

Article 8 prohibits the destruction of Indigenous culture and the dispossession of their lands. ANCSA and the State of Alaska are effectively contravening this article, promoting such destruction and dispossession. Article 11 recognizes the right of Indigenous Peoples to practice and revitalize their cultural traditions and article 31 recognized that Indigenous Peoples have the right to maintain, control, protect and develop their cultural heritage. Given that article 14 also recognizes the right of Indigenous Children to have access to an education in their own culture, the threat to the CVTC's Tribal Ya Ne Dah Ah (*Ancient Teachings*) School as a result of UCM's coal hauling road and parking lot construction in close proximity to the school, even the children of the Chickaloon Tribal community are denied their right to a culturally appropriate education. The possibility that the CVTC's Tribal Ya Ne Dah Ah School may be forced to close as residents flee the dangers from the undeniable increase in pollution, blasting noise, and community strife is real and looming.

There are many cultural and political rights recognized by the Declaration that are violated by the United States and the State of Alaska. See, as examples, article 5 (the right to maintain their own institutions); article 6.2, the collective right to live in peace, freedom and security); article 9 (the right to live in accordance with their own traditions and customs; article 11, (the right to practise and revitalize their cultural traditions and customs; article 12 (the right to manifest, practice, develop and teach their spiritual and religious traditions,

customs and ceremonies; article 15 (the right to the dignity and diversity of their cultures, traditions, histories and aspirations; article 20 (the right to be secure in the enjoyment of their own means of subsistence and development: article 25 (the right to the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard; and most importantly, article 26 (the right to their lands, territories and resources).

Needless to say, the impermissible restrictions on voting by Alaska Native peoples by both the State and its State-chartered ANCSA corporations violate article 5, the right “to participate fully, if they so choose, in the political, economic, social and cultural life of the State.”

***a. The Failure of Current United States Tribal Consultation Policy***

The United States, in its so-called Statement of Support for the United Nations Declaration on the Rights of Indigenous Peoples declared that:

“The U.S. Government efforts to strengthen the government-to-government relationship with tribes cannot be limited to enhancing tribal self-determination. It is also crucial that U.S. agencies have the necessary input from tribal leaders before those agencies themselves take actions that have a significant impact on the tribes. It is for this reason that President Obama signed the Presidential Memorandum on the implementation of Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments,” and directed all federal agencies to develop detailed plans of action to implement the Executive Order. In this regard, the United States recognizes the significance of the Declaration’s provisions on free, prior and informed consent, which the United States understands to call for a process of meaningful consultation with tribal leaders, but not necessarily the agreement of those leaders, before the actions addressed in those consultations are taken.”

Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples, Initiatives to Promote the Government-to-Government Relationship & Improve the Lives of Indigenous Peoples, pp. 4 and 5, (undated), <http://www.state.gov/documents/organization/153223.pdf>,

Even this limited recognition of the right of consultation has not been, as required, implemented in good faith with regard to CNV (and we suspect, to the Tribes of the lower 48 and Native Hawaiians). Objections raised by CNV on the lack of consultation and consideration of the stale and factually false mining permit application data, the proposed mines’ impacts to water, cultural, archeological and historic resources, sacred sites, religious practices, the health and safety of the community have not yet been addressed by the Alaska Department of Natural Resources, the Alaska Department of Environmental Conservation, nor any federal agency, even though the delegation of federal regulation of surface coal mining requires Alaska to apply federal standards. Concerns anticipating greatly increased dust and air pollution, water pollution and reduction, noise, physical danger from the blasting and transporting of the coal, toxic drilling compounds introduced into the environment, and interference with access rights of Tribal members, as well as inaccurate and stale baseline data, continue to be ignored by the State of Alaska and DOI.

The duty to consult with recognized Indian Tribes remains the same policy adopted during the Clinton administration, Executive Order 13175 (2000), “*Consultation and Coordination with Tribal Governments*” (EO 13175 lists as one of its purposes “to strengthen the United States’ government-to-government relationships with Indian tribes...” EO 13175

itself only requires consultation where a federal agency is contemplating policies that are, “significantly or uniquely affecting Indian tribal governments.” It itself does not necessarily apply to the actual mining and other proposed activity undertaken or permitted by federal government agencies. Thus the need for President Obama’s direction to all federal agencies to develop detailed plans of action to implement the Executive Order, although project specific consultation is and has been ignored in CNV’s case.

Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, requires federal agencies to consult with any Indian Tribe that attaches religious and cultural significance to historic properties that may be affected by the agency’s undertakings. See, *Consultation with Indian Tribes in the Section 106 Review Process: a Handbook*, Advisory Council on Historic Preservation (ACHP), November, 2008, <http://www.achp.gov/regs-tribes2008.pdf>. NHPA Section 106 is one of the few codified examples of Tribal consultation and is based upon the government-to-government relationship as well as the “Trust relationship.” It applies not only to reservation lands but lands outside reservations that have historical or cultural significance to Tribes.

But the intended end result of these consultations is only to require federal agencies to “consider the effects of their undertakings on historic properties” and to provide the Advisory Council on Historic Preservation (ACHP) an “opportunity to comment.” “*Consultation*” is defined as a process of seeking, discussing, and considering the views of other participants, and, where feasible, *seeking agreement* with them regarding matters arising in the Section 106 process (36 CFR Section 800.16 (f)). No *consent* is required. Without the right of consent, that is, without the right to say no, the consultation process, on the rare occasions when it is followed, is a hollow shell game.

At its worst consultation has been actually used to disenfranchise Tribes. For instance, federal land managers, such as the Arizona Forest Service Officials that ruled that because the NHPA does not spell out requirements of consultation it could be satisfied by minimal efforts, including by mailing invitations to consult and regarding desecration and destruction of one of their most important sacred sites, Apache Leap by large scale and international mining interests. See *Arizona Mining Reform v. United States Forest Service*, Appeal of Decision Notice/Finding of No Significant Impact and Environmental Assessment: Resolution Copper Mining Pre-Feasibility Activities Pan of Operations (July 2, 2010) (available at: <http://www.azminingreform.org/sites/default/files/docs/Resolution%20Copper%20DN%20FONS%20EA%20Appeal%20final%207-2-10.pdf>).

At other times, State and Federal officials “consult for” Tribes denying them any input or right to communicate at all. The Alaska State Historic Preservation Officer (“SHPO”) commits this violation of Tribal rights regularly and with impunity, and has on more than one occasion denied CNV the right to consultation, approving cultural resource surveys and approving mining plans *with no Tribal consultation, communication or even consideration*.

The failures of the federal construct of consultations, limited as it is, and its requirements of “good faith consultations,” the “government to government relationship” and the “trust relationship” are glaringly apparent with regard to CNV. These minimal requirements are apparently not required of Alaska and other states of the union in spite of the fact that Alaska’s authority to regulate coal mining is delegated from the federal government. In addition to federal surface mining legislation, other important federal legislations such as the Clean Air Act and its requirements have been delegated to the state of Alaska, under no real obligation to consult with CNV. And because Alaska does not even



recognize CNV's existence, it refuses to consult, or exercise even the minimal duty of care. By delegating power to Alaska, the United States has virtually washed its hands of its Trust responsibility to CNV and Alaska Tribes.

Despite these hurdles, CVTC has vigilantly participated in every notice and comment opportunity and even successfully challenged several permits, temporarily turning back UCM's Clean Air Act permit (a permit that allows them to pollute Tribal air), and the mining permit for Jonesville Mine, a second proposed mine on Wishbone Hill adjacent to Eska Creek, an important salmon spawning stream.

These efforts by CNV to protect their rights have proven up to now ultimately futile in the face of indifference if not purposeful blindness. The State maintains that the Tribe is not entitled to consideration, consultation, or process beyond the general notice and comment allowed to the general public—even though these proposals explicitly implicate Tribal resources, rights, and traditional lands and waters. Requests for reconsideration and even small extensions of time for technical comments are often rejected out of hand. *See* Letter from DNR refusing to extend 15 day notice and comment period for water rights application (March 21, 2012).

***b. Consultation cannot be effective when the United States delegates federal power to the State of Alaska without retaining any oversight and control***

At the heart of these failures is the delegation to the State of Alaska by Federal agencies of their responsibilities of oversight and regulation. Because the United States has delegated permitting responsibility under the Clean Air Act and Clean Water Act, to the State of Alaska, Tribes are left with not only no right of consent, but also no possibility of government-to-government consultation. By delegating to the State, the United States fails to exercise its Trust responsibilities to protect Tribal air, water and natural resources and CNV and other Tribes are now left at the mercy of a State that does not even recognize their existence, and worse yet, one that seeks to undermine and destroy their legitimacy at every turn.

CNV continues to seek government-to-government consultation with DOI departments, including the Office of Surface Mining, but these efforts offer little hope. These federal agencies are reluctant to exercise oversight, regulate, or control over permitting programs delegated to the State of Alaska. Worse yet, OSM and the EPA keep up cozy relationships with their State counterparts, often to the detriment of Tribal interests. Despite the great wealth of natural resources in Alaska, because the Alaska Native Claims Settlement Act (ANCSA) severed Tribes from their lands and revenue sources, small Alaska Tribes such as CNV do not have the capacity or ability to run effective Tribal water and air permitting programs.

The United States fails to show any respect for CNV's Right of Self determination even as described by the US Statement of Support. The duty to consult and seek agreement, the protection of culturally and historic significance, and consultation with federal agencies pursuant to President Obama's executive order all continue to be blatantly ignored and undermined by the State with impunity.

The State of Alaska's opposition to consultation in order to respect and protect CNV and indigenous rights and religious practices is itself systemic. The SHPO, whose job is to implement and enforce the NHPA and Alaska Historic Preservation Act, (AHPA), ensuring that Tribes are consulted and cultural resources are protected, does not, as a matter of practice, consult with any Tribe.

In fact, the SHPO apparently believes that there are no Tribes in Alaska, and therefore no duty or responsibility to the 229 federally-recognized Tribes is owed. These views reflect those of a small, but politically connected and powerful minority that promotes, despite repudiation of the argument by the State and Federal courts, that Alaska Tribes were "created" by administrative fiat when they were added to the list of Federally Recognized Tribes, and therefore not legitimate. Led by the Alaska Outdoor Council and their attorney, these self-described policy makers see it as their mission to undermine and attack Alaska Native sovereignty, jurisdiction, and subsistence hunting and fishing rights at every turn. The owner of UCM is a prominent sponsor and member of the Alaska Outdoor Council.

In 1989, the incumbent SHPO signed off on a cultural resource survey that would become one of the foundational permitting documents for the Wishbone Hill and Jonesville coal mine proposals. She did this without ever consulting or communicating with CNV. Her conclusions that Moose Creek was not an important cultural or resource area for indigenous people were biased and flat out wrong. CNV continues to pay the high price of these factually false assertions and unilateral decisions.

The State of Alaska continues to violate CNV's right to consultation, if not the right to Free Prior and Informed Consent with regard to cultural resources and there is no reason to believe that position will change. In fact, through the AHPA, the State actually claims "title" to all historic resources located on State lands. AS 41.35.020(a). Although the statute declares that it does not interfere with the rights of Indigenous Peoples in cultural resources, in practice, because the State does not recognize any rights or even the existence of Tribes, it continually interferes with and violates Tribal rights and interests. The United States allows this to happen with impunity when it refuses to exercise oversight over delegated powers.

**2. Implementation of the DRAFT Policy would substantially interfere with CVTC's government to government relationship with the United States and its Trust Responsibility.**

Even in its weakened state, meaningful Tribal consultation remains an important right and worthy goal. CVTC points out these systemic problems with Tribal consultation so that the Secretary can strive to meet President Obama's promise to Tribes through his 2009 Tribal Consultation Memorandum. However, if DOI implements this Draft Policy, it will make this right nearly meaningless, not only for Alaska Tribes, but also for lower 48 Tribes which must now compete with ANCSA corporations operating and continuing to grow in nearly every State.

The draft policy tries to distinguish consultation with Tribes and ANCSA corporations by using the term "government to government" consultation in reference to Tribal consultation. But semantics are not enough to protect the Tribal interest EO 13175 was designed to protect. As noted above, government-to-government consultation already fails to adequately preserve and protect Tribal human rights. Allowing ANCSA corporations consultation *at all* necessarily diminishes Tribal consultation rights and puts our interests at risk. ANCSA corporations and the State of Alaska already have control over our land and resources, and allowing them to consult on matters that are reserved for Tribal governments will put Tribes at further disadvantage. Because ANCSA has separated us from our resources, Alaska Tribes do not have the same the capacity to hire legal teams and lobbyists to influence Washington decision makers as ANCSA corporations. At the very minimum, *Tribes should have the ability to block ANCSA corporations from any consultation that involves traditional tribal lands waters or Tribal self-determination or the health and welfare of any Tribal member.*

Most importantly, allowing ANCSA corporations consultation rights, will exacerbate

and the conflicts between Tribes and corporations inherently created by ANCSA's passage and implementation. These corporations are not Tribal governments, have no governmental powers, and have no traditional attributes of sovereignty. These corporations only represent their shareholders and they do not represent Tribal governments, Tribal interests or *all* Tribal citizens.

In fact, ANCSA corporations' interests are often directly opposed to and in direct conflict with Tribal interests. The Draft policy will only exacerbate these conflicts. ANCSA corporations were designed to exploit resources from our lands, rather than protect and preserve those lands. Tribal interests in lands are often entirely opposite to the western "property-owner" mindset that ANCSA corporations engender. ANCSA corporations, especially regional corporations are responsible for some of the biggest resource conflicts in the State. Tribes are, more often than not, on the other side of the table. ANCSA regional corporations such as NANA and CALISTA, pursue large-scale destructive strip mines without due regard to impacts to Tribal subsistence and cultural practices, and sacred sites. In southeast Alaska, Seaalaska Corporation clear-cuts ancient forests causing erosion and damage to fish spawning habitat, Tribal cultural and sacred sites. In the Interior, Doyon Ltd. pursues oil and gas development, including road building in critical subsistence areas. As the former Gwich'in chief of Fort Yukon recognized, these corporations long ago ceased to be "Native" and are now little different than all the other for-profit corporations exploiting Alaska Native resources. *Rural Alaska Villages Resist Oil Development on Yukon Flats*, [http://juneauempire.com/stories/072208/sta\\_307860642.shtml](http://juneauempire.com/stories/072208/sta_307860642.shtml) (2008).

For CNV, in the 1980's the regional corporation CIRI partnered with Japanese mining interests to pursue coal mining in the heart of Tribe's, sacred and traditional lands. CIRI leased these Tribal lands without ever consulting with the Tribe and without asking our permission. Those CIRI leases remain critical to UCM's Wishbone Hill mine proposal and CIRI has not cancelled the leases despite our pleas.

Tribes, Tribal members, and even most ANCSA shareholders vehemently oppose these developments. Yet, ANCSA's corporate and voting structure prevents Tribes from exercising any control or oversight over the corporations. Tribes, who by right, should have jurisdiction and control over these corporations, are left with no recourse.

DOI should endeavor to reverse Federal policy of conflating ANCSA corporations with Tribes. The United States owes a duty of Trust and Responsibility to Tribes, not to corporations. That duty is undermined by extending rights that belong solely to Tribes to ANCSA corporations. The United States consistently confuses and conflates the rights and responsibilities it owes Alaska Native Tribes with oversight and responsibility for Alaska Native Corporations. This happens so regularly the conflation seems intentional. ANCSA corporations were even written into NAGPRA, one of the most important human rights law for Tribes. But, including ANCSA corporations in legislation designed to help Tribes and protect their interests violates our sovereignty and human rights.

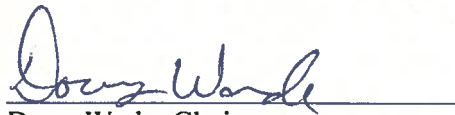
This Draft Policy is not needed and should be discarded immediately by DOI. The Policy extends a US code provision intended only for the Office of Management and Budget (OMB) into a general policy applicable to all of DOI. The amendment relied on by DOI as the basis for the Draft Policy, the Consolidated Appropriations Act, 2004, Pub. L. No. 108-199, Div. H. § 161, 118 Stat. 3, 452 (2004) as amended by Consolidated Appropriations Act, 2005, Pub. L. No. 108-447, Div. H., Title V. §518, 118 Stat. 2809, 3267 (2004), ***does not provide for any other office to extend rights to ANCSA corporations, and to do so would violate the separation of powers as well as centuries of Federal Indian Policy.***



Even as applied to the OMB, this provision is of doubtful legitimacy. DOI need not extend and give any credence to a budget rider, one which the late Senator Steven's—a longtime opponent of Tribal jurisdiction and rights EO 13175 is supposed to protect—accomplished by congressional slight of hand: sneaking the extension of consultation into code by attaching it as a budget rider, without allowing or taking any testimony from Alaska Tribes and without ever consulting Alaska Tribes or Tribal representatives—who would openly and vociferously oppose such an amendment were it taken through the normal legislative process. The United States' duty and Trust responsibility to Alaska Native Tribes is completely undermined if more than 200 years of Federal Indian policy can be contravened by slipping language into a budget rider, and then extending that language into a department-wide policy. If DOI wishes to extend consultation rights to ANCSA corporations, it should seek to do so through an open legislative process in which the policy can be vetted and debated in the light of day.

We urge you to swiftly reject the Draft Policy and seek to instead strengthen DOI Tribal consultation policies and bring them into line with the UN Declaration. We appreciate President Obama's efforts to improve Tribal consultation, and your efforts and willingness to visit Alaska and hear from Alaska Tribes directly. We look forward to working with you to continue to improve our government-to-government relationship.

May Creator Guide Our Footsteps,

A handwritten signature in blue ink, appearing to read "Doug Wade", is written over a horizontal line.

Doug Wade, Chairman  
Chickaloon Village Traditional Council